

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA**

MONROE DIVISION

KATHLEEN JENNINGS

CIVIL ACTION NO. 08-0304

VS.

JUDGE ROBERT G. JAMES

MARIANA LEGER, WARDEN

MAG. JUDGE KAREN L. HAYES

MEMORANDUM ORDER

On November 20, 2008, this Court issued a Ruling and Judgment denying and dismissing Petitioner Kathleen Jennings' ("Jennings") habeas petition. [Doc. Nos. 14 & 15]. Jennings had thirty days, or until December 22, 2008, to timely file a Notice of Appeal. Fed. R. App. P. 4(a)(1)(A).

In this case, on December 31, 2008, the Clerk of Court received and docketed Jennings' Notice of Appeal. [Doc. No. 16]. On the same day, the Clerk of Court also received and docketed Jennings' application for a certificate of appealability. [Doc. No. 17]. An envelope accompanying the certificate of appealability is postmarked December 30, 2008. However, Jennings dated both her Notice of Appeal and application for Certificate of Appealability December 10, 2008.

Pursuant to the March 4, 2009 Order of the United States Court of Appeals for the Fifth Circuit [Doc. No. 21], the matter was remanded to this Court for a determination whether Jennings' appeal was timely filed by placing it in the prison mailing system no later than December 22, 2008. Therefore,

IT IS ORDERED that, within fifteen (15) days of the date of this Order, Jennings submit a declaration, affidavit, or other evidence showing the date she placed her Notice of Appeal in the

prison mailing system.

MONROE, LOUISIANA, this 15th day of July, 2009.


ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE